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SUBJECT: CHANGING THE ELECTION COMMISSION, AND THE RULES OF THE
GAME, BEFORE 2009 ELECTIONS

REFS: A. Chisinau 0085, B. 07 Chisinau 1517, C. 07 Chisinau 1509,
[D](#). 07 Chisinau 1455, E. 07 Chisinau 1380

Sensitive But Unclassified. Please Protect Accordingly.

[1](#)1. (SBU) Summary: Unhappy with opposition party dominance of the Central Electoral Commission (CEC), the ruling Communist Party may be planning to take legal measures to ensure itself a dominant position in the electoral-administration body for the 2009 parliamentary elections. Revising existing CEC legislation would be a public-relations disaster, but the GOM could argue that the changes simply conform to EU norms. Such a step combined with other draft legislation changes the rules of the game in ways that strengthen the ruling party and make it harder for small parties to gain seats in Parliament. End Summary.

Adjusting the Rules one Year before Elections

[1](#)2. (SBU) Within weeks, an informal coalition of the Communist (PCRM) and Christian Democrat (PPCD) parties may pass in final reading changes to the Electoral Code which limit small-party access to Parliament. Two bills are involved, one which forbids electoral coalitions during election campaigns, and another that will most likely raise the popular-vote threshold from 4% to 5%, though the initial draft had specified 6%.

[1](#)3. (SBU) Challenging minority-party dominance in the CEC is apparently the Communist Party's next idea for gaining addition control over the electoral process. The CEC has responsibility for registering or rejecting candidates, solving disputes, and ensuring that rules are followed. The only way to change the composition of the CEC is to change the rules by which members are appointed, and apply the new rules to oust members before the expiration of their terms. The Communists have the majority vote in Parliament required to push through such legislation, no matter how opportunistic this would appear. We hear from both contacts in the CEC as well as staffers in Parliament that such a move is now under consideration.

[1](#)4. (SBU) Our contacts have told us that the new rules would provide that the Government, the President and the Parliament each appoint three CEC members, easily guaranteeing a five-seat majority for the PCRM in the nine-member body. The current CEC was appointed on November 11, 2005, for a five-year term; one of its members is appointed by the President, one by the Government and seven by the Parliament. (Parliament's group of seven includes five members from opposition parties.) That formula was adopted in a 2005 agreement between PCRM and PPCD (along with opposition leaders Diacov and Serebrian), under which they agreed to vote for Voronin as President in exchange for opposition control of the CEC. Now that Voronin is in his final term as President and no longer needs all the non-Communist Party votes in Parliament, the PCRM wants control of the CEC, which it ceded in the 2005 vote deal, back again.

15. (SBU) The legal changes, our sources say, would arouse local and international opposition. However, they said, the PCRM could sanitize the operation somewhat by dividing the CEC into two distinct organizations—a permanent body that decides on electoral policy, and commissions temporarily constituted to oversee each election. The division, allowing PCRM dominance of any ad hoc commission for the 2009 elections, would have the advantage of conforming to European standards, as many European countries have such a dual CEC structure. It is not absolutely certain that the PCRM is going to attempt to force through this change; we are reporting unofficial comments by well-placed individuals in a position to know.

16. (SBU) Additionally, a reported January 29 rejection by the Ministry of Finance of the CEC's draft budget may be a harbinger of future PCRM activities. The rejection, which we heard about privately from GOM contacts, has resulted in the suspension of CEC funding and the freezing of its bank accounts.

Comment

17. (SBU) The budgetary freeze and the threat of restructuring the CEC, along with the budgetary manipulations described in ref C, hint at administrative threats to the integrity of elections. The actual manipulations of elections described in refs B, D, and E indicate that the PCRM is willing to take direct action as well. We know that the Communist Party is eager to stay in power, and apparently it is willing to use a variety of means to engineer the rules of the game to its own advantage. End comment.